

REMARKS

Claims 1-8 are pending in the above-identified application, and were rejected. With this Response, no claims were amended, added or cancelled. Accordingly, claims 1-8 remain at issue.

I. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1, 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka (U.S. Patent No. 6,519,360) in view of Chang et al. (U.S. Patent No. 6,298,343). Applicants respectfully traverse this rejection.

Tanaka discloses an image processing apparatus for comparing images based on color feature information. The color feature is a feature related to a color representing the image. (See col. 1, lines 35-37). The apparatus includes an extraction controller whereby colors constituting the image data are sorted to a plurality of color groups based on predetermined color elements, a count of pixels belonging to each color group is counted, so that the feature information of the images is extracted. (See col. 2, lines 10-18). The Examiner cites to this portion of the patent as disclosing the determining means. Thus, the Examiner appears to equate the colors in Tanaka to the information in the claims, and the color group in Tanaka to the category in the claims.

The Examiner admits that Tanaka does not disclose using the category to compare the features of the information with the features extracted by the extracting means. The Examiner stated that it would have been obvious to modify Tanaka by using the category to compare the features of the information with the features extracted by the extracting means as disclosed by Chang et al. to derive claims 1, 4 or 5. Applicants respectfully disagree with the Examiner's statement.

Chang et al. discloses a search method where a search inquiry is first categorized into a category or subcategory based on the code representing the characters of the search inquiry. (See col. 2, lines 10-14). In Chang et al., the decoder categorizes the search inquiry into a particular category with an associated feature table. (See col. 3, lines 8-9). Through the use of the associated feature table, the particular portion of a search table most pertinent to the search inquiry is indicated for further searching. (See col. 3, lines 9-12). By accessing the search table, the search inquiry is compared against the entries in it to find the most pertinent match or matches. (See col. 3, lines 12-14). Thus, in Chang et al., the category narrows the search for the features because the search inquiry was categorized based on the features.

As discussed above, Tanaka categorizes the colors constituting the image data into color groups. Contrary to Chang et al., however, Tanaka does not use the color groups to compare these colors. Rather, Tanaka compares images based on color features. It would not make sense to use the color groups to compare the color features in Tanaka since the color features were not categorized into the color groups. Thus, it would not be obvious to one of ordinary skill in the art at the time the invention was made to use the category to compare the features because using the category in a search engine will not narrow the search of features to its related area. Accordingly, Applicants respectfully submit that it would not be obvious to combine the teachings of Tanaka and Chang et al. to derive claims 1, 4 or 5. As such, Applicants respectfully request withdrawal of this rejection.

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka (U.S. Patent No. 6,519,360) in view of Chang et al. (U.S. Patent No. 6,298,343), and further in view of Legh-Smith et al. (U.S. Patent No. 6,178,419). Applicants respectfully traverse this rejection.

As discussed above, it would not be obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tanaka and Chang et al. to derive claim 1. Thus, it would not be obvious to one of ordinary skill in the art at the time the invention was made to use a hierarchical structure from Legh-Smith et al. for the category in the system of Tanaka in combination with Chang et al. to derive claim 2. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka (U.S. Patent No. 6,519,360) in view of Chang et al. (U.S. Patent No. 6,298,343), and further in view of Sugahara et al. (U.S. Patent No. 6,636,617). Applicants respectfully traverse this rejection.

As discussed above, it would not be obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tanaka and Chang et al. to derive claim 1. Thus, it would not be obvious to one of ordinary skill in the art at the time the invention was made to insert a digital watermark from Sugahara et al. in the information in the system of Tanaka in combination with Chang et al. to derive claim 3.

Moreover, as discussed above, the Examiner appears to equate the colors in Tanaka to the information in the claims, and the color group in Tanaka to the category in the claims. Thus, contrary to the Examiner's statement, it would not be obvious to one of ordinary skill in the art at the time the invention was made to determine the color group based on a digital watermark inserted in the color in the system of Tanaka rather than simply using the color itself to determine the color group. Accordingly, it would not be obvious to one of ordinary skill in the art at the time the invention was made to insert a digital watermark from Sugahara et al. in the

information in the system of Tanaka in combination with Chang et al. to derive claim 3. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka (U.S. Patent No. 6,519,360) in view of Sugahara et al. (U.S. Patent No. 6,636,617). Applicants respectfully traverse this rejection.


As discussed above, in Tanaka, the Examiner appears to equate the colors in Tanaka to the information in the claims, and the color group in Tanaka to the category in the claims. Thus, contrary to the Examiner's statement, it would not be obvious to one of ordinary skill in the art at the time the invention was made to determine the color group based on a digital watermark inserted in the color in the system of Tanaka rather than simply using the color itself to determine the color group. Accordingly, it would not be obvious to one of ordinary skill in the art at the time the invention was made to insert a digital watermark from Sugahara et al. in the information in the system of Tanaka to derive claims 6-8. Accordingly, Applicants respectfully request withdrawal of this rejection.

**II. Conclusion**

In view of the above remarks, Applicants submit that all claims are clearly allowable over the cited prior art, and respectfully request early and favorable notification to that effect.

Respectfully submitted,

Dated: July 2, 2004

By:   
Marina N. Saito  
Registration No. 42,121  
SONNENSCHNEIN NATH & ROSENTHAL LLP  
P.O. Box 061080  
Wacker Drive Station, Sears Tower  
Chicago, Illinois 60606-1080  
(312) 876-8000